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09/910,654	07/20/2001	Rodger Burrows	02154.001	2617

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[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

3622

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9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/910,654	Applicant(s) Burrows
Examiner James W. Myhre	Art Unit 3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Jul 9, 2003
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

- a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

- a) The translation of the foreign language provisional application has been received.

- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) Other: _____

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DETAILED ACTION

Response to Amendment

1. The amendment filed on July 9, 2003 has been considered but is ineffective to overcome the Friedes et al (5,521,966) and Industry Agents' Handbook (IAH), Section 70.0 (2000 Ed.) reference.

Oath/Declaration

2. The combined Declaration and Power of Attorney filed on July 9, 2003 has overcome the deficiencies noted in paragraph 1 of paper number 7.

Information Disclosure Statement

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. The three new references which the Applicant has requested to be included in the References Cited by Applicant must be listed on a separate Information Disclosure Statement (PTO Form 1449).

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(f) he did not himself invent the subject matter sought to be patented.

5. Claims 1-18 are rejected under 35 U.S.C. 102(f) because the applicant did not invent the claimed subject matter.

As shown in the prior art submitted by the Applicant along with the Petition to Make Special, the Airlines Reporting Corporation (ARC) held meetings starting in 1999 to discuss removing the requirement for travel agents to store copies of agent coupons in either physical copies or on microfiche. During the September 29, 1999 Travel Distribution Task Force (TDTF) at the ARC Headquarters, it was disclosed that the ARC was "looking at the possibility of eliminating the requirement for agent retention of paper agent coupons" (page 3), that the "ultimate goal is to have a master storage database for these documents", and that "ARC would soon be allowing accredited entities to store these agent coupons on optical disc rather than paper" (page 4). During an October 27, 1999 press release, it was noted that the ARC management presented the Joint Advisory Board-Agent Reporting Agreement (JAB-ARA) "with draft text approving various media for electronic and optical storage of agent sales reports and supporting documents". This was further reported in the November 1, 1999 issue of Travel Weekly, a travel industry publication, as a plan which "would eliminate one more piece of paper -

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the agent's coupon" and that "Another option that the ARC is considering is to allow agents to keep their own electronic records to satisfy the two-year requirement to store agent's coupons". These plans evolved into an revised Industry Agent's Handbook, Section 70.0, which stated that "an Agent may, upon prior written notice to, and written approval by ARC, maintain the required documents on microfiche or on an optical storage medium as specified below"..."must be copied to microfiche/film or to a non-magnetic optical medium that uses a "write-once, read-many" technology which will prevent overwriting the stored data (e.g. WORM technology). Certain non-volatile storage medium, such as CD-ROMs, optical disks, DVDs, and laserdiscs, may be determined to be acceptable storage media". Finally, in the November 2, 2000 meeting of the Agent Working Group it was noted that "In June 2000, ARC made an announcement that IAR agents can now print agent coupon on non-accountable stock or capture the coupon data on an optical media (i.e. CD-ROM, DVD, etc.)"(emphasis added) and the "Agents now have the option to pursue the own agent coupon storage solutions."

The present application and all of the claims are directed towards this new policy of the ARC, a policy which had been discussed at length in ARC and other travel industry meetings and publications for over a year before the priority date claimed by the Applicant. The Examiner also notes that the Applicant is not listed as an attendee in any of the meetings cited above. Thus, it appears that the Applicant has taken the advice of the ARC board and developed a computer program to electronically store the agent's coupons. However, merely writing a program to implement another person's (or entity's) idea or a new law/requirement is not an inventive step.

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedes et al (5,521,966) in view of Industry Agents' Handbook (IAH), Section 70.0 (2000 Ed.).

Claims 1, 5, and 15-18: Friedes discloses a method and apparatus for generating airline tickets, comprising:

- a. Generating agent coupon data simultaneously with the printing of an airline ticket by a reservation apparatus;
- b. Transmitting the agent coupon data electronically to a storage apparatus;
- c. Providing each agent coupon data with an identifier;
- d. Storing the agent coupon data;
- e. Retrieving and printing the stored agent coupon data.

Friedes discloses conducting an electronic sale of an airline ticket, printing the airline ticket, and sending the transaction information to the host database (col 5, lines 34-38 and col 6, line 66 - col 7, line 5). It is required within the travel industry for an agent to complete and store uniquely identified agent coupon data for each transaction completed or voided. At the time of

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the filing of the Friedes reference, agents were required to print out a copy of the agent coupon and store it for two either as a paper copy or as a microfiche copy. However, starting in June 2000, the Airlines Reporting Corporation authorized electronic storage of the agent's coupons (IAH, paragraphs 2 and 2(1)). IAH also discloses that the electronically stored documents "must be accessible by an ARC representative" and that a PC and printer "must be available to an ARC representative or carrier representative at the site where the microfiche/film or optical copies are stored and maintained" (paragraphs 2(2) & 2(3)). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to maintain the agent coupon data in Friedes as an electronic file, available for retrieval and printing. One would have been motivated to store the agent coupon electronically in view of the newly revised section of the IAH delineating the requirements for such storage means.

Claims 2-4: Friedes and IAH disclose a method for printing an airline ticket as in Claim 1 above. While Friedes does not explicitly disclose the storage medium on which the gateway database and the host database reside, IAH discloses numerous storage media, such as CD-ROMs, optical disks, DVDs, laserdiscs, hard drives, zip drives, floppy disks, magnetic tapes, and other magnetic media. Although IAH does not accept storage of the agent coupon data on hard drives, its disclosure teaches the possibility of storing the data on such media and renders it obvious to one having ordinary skill in the art at the time the invention was made that the data could be stored on any of the disclosed media. Batch processing, for either storage, transmission, or retrieval, is very well known within the database arts and would have been an obvious method

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of transmitting/storing/retrieving data, especially when a large amount of transactions need to be handled.

Claims 6-9: Friedes and IAH disclose a method for printing an airline ticket as in Claim 5 above, and Friedes further discloses connecting the reservation apparatus with the storage apparatus over switched networks and local area networks (LANs)(col 3, lines 55-60 and col 5, lines 1-9). While neither reference explicitly discloses that the connection is serial, via modem, via an intranet or the Internet, these are all common types of networks and network connection and would have been obvious choices to one having ordinary skill in the art at the time the invention was made. One would have been motivated to choose one or more of these connections in order to limit or expand the range of agents who can access the system, depending on the desires of the system designer.

Claims 10-14: Friedes and IAH disclose a method for printing airline tickets as in Claim 1 above. IAH further discloses that the identifier data includes many types of information, such as the “agency code number, sales period ending date, ticket number and stock number” (paragraph 2(5)). Friedes also discloses that the transaction information may include such information as the passenger’s “name, address and credit card numbers” along with other selected information such as “frequent flyer number, seat preference, or special meal requirements” (col 6, lines 60-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include any or all of this information as part of the transaction data being stored in Friedes. One would have been motivated to include these types of data in order to

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provide a more complete record of the transaction as required by ARC and by other “governmental or tax authorities” (IAH, See Note).

Response to Arguments

8. Applicant's arguments filed July 9, 2003 have been fully considered but they are not persuasive.

A. The Applicant argues that the ARC only authorized the storage of agent coupon *images* and not merely the agent coupon *data* onto optical media, such as laser discs, CDS, etc. The Applicant further argues that storing the data of the agent coupon instead of an image of the coupon would not have been obvious. The Examiner notes that as the Applicant has cited (page 5), ARC announced that as of June 7, 2000 agents “can now print agent coupons on non-accountable stock or *capture the coupon data*” on an optical media (emphasis added). The Applicant has tried to interpret capturing the coupon data as being limited to capturing the image of the agent coupon itself (although no paper copy of such a coupon was required to be generated). The Examiner assumes that since the coupon data is being stored on “optical” media, the Applicant believes that only image files may be stored thereon. However, optical media refers to the method by which the data is placed on and retrieved from the storage medium, not the type of files stored thereon. Since the ARC explicitly indicated that the agent coupon data may be captured onto an optical media, such as a CD-ROM or DVD, the Examiner maintains his 35 U.S.C. 102(f) rejection that the Applicant is not the inventor of the agent coupon storage system,

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but merely an implementor of the ARC's directives. Furthermore, even without such a disclosure by the ARC, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the agent coupon data, or any other data for that matter, may be stored on a CD-ROM or DVD as an image file, a text file, or as plain data as long as the data could be reconstituted to reproduce the agent coupon. There are a wide variety of compression means used to store images, graphics, and textual documents in databases, and all of these means also include means for decompress the database file into the original image, graphic, or textual document. Finally, whether the ARC had authorized storage of the agent coupon as a data file instead of an image file (i.e. the legality of it) has no bearing on whether or not it would have been obvious to store the data in a particular format, especially when all of these formats were well known and used throughout the computer industry for the past several decades. For example, although it is unlawful for a 16 year-old to drink alcohol in most States, it is obvious that one may do so. If a State lowered its drinking age to 16, it would not be a novel idea to sell alcohol products to the 16 year-old using the same methods previous used to sell alcohol to "adults". Thus, storing a document as data instead of an image is not novel just because a regulatory agency has placed limitations on the storage means for certain documents. When the regulation changes, so does the available storage means and mediums.

B. The Applicant also argues that Friedes does not disclose that the agent coupon is generated at the same time that an airline ticket is printed. However, according to the Applicant and the ARC documents submitted by the Applicant, it was and still is required that an agent

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coupon must be generated for each and every generated ticket. Thus, Friedes' disclosure of generating an airline ticket and storing the transaction data in a database would encompass all the data related to the transaction. There is no disclosure in Friedes that the agent coupon data is extracted from the transaction data before it is sent to the database; thus, it must be assumed that the agent coupon data is transmitted to the database along with the rest of the transaction data. As far as the Applicant's argument that since ARC placed a lot of emphasis on the Applicant's invention's ability to produce a facsimile of the coupon in the January 19, 2001 letter it clearly shows that the method was not contemplated by ARC, the Examiner disagrees. Since the ARC was not in the data processing or computer program generating arena, the ARC explicitly directed the travel agents to develop their own systems to store the agent coupons and had discussed and contemplated various mediums which could be used to store the data, such as CD-ROMs, DVDs, hard drives, floppy discs, and others. They also explicitly directed that any systems developed by the agents would be reviewed and subject to approval by ARC. The letter of January 19, 2001, merely indicated that ARC approved the Applicant's system, not that it was novel nor that it was even different from other systems which it had approved for other agencies.

C. The Applicant's argument that "IAH does not accept the storage of coupon data on a hard drive (because an image is not stored)" (page 9) is not persuasive. First, there is no reason why an image cannot be stored on a hard drive. A hard drive is the same as any other storage medium. However, one distinguishing feature of hard drives is that the information can be overwritten (so the memory may be reused). IAH recognized that since the agent coupons are "legal"

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documents that should not be tampered with or changed they should be stored in a non-volatile and preferably non-rewritable medium, such as CD-ROMs or DVDs. Of course, in today's technology, this would be further limited to non-erasable DVDs too. Thus, the reason IAH discouraged the use of a hard drive as the storage medium had nothing to do with the format in which the agent coupon data was being stored (image or data).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. James W. Myhre whose telephone number is (703) 308-7843. The examiner can normally be reached on weekdays from 6:30 a.m. to 3:30 p.m.

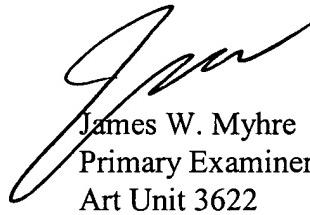
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, can be reached on (703) 305-8469. The fax phone number for Formal or Official faxes to Technology Center 3600 is (703) 872-9306. Draft or Informal faxes may be submitted to (703) 872-9327 or directly to the examiner at (703) 746-5544.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 308-1113.



JWM
August 14, 2003



James W. Myhre
Primary Examiner
Art Unit 3622